Court No.3

Criminal Revision No. 941 of 2001

Mintoo @ Satender ……. Revisionist.

Versus

State of Uttaranchal ……. Respondent.

Hon'ble Irshad Hussain, J.

None appeared for the revisionist.

Heard Sri Lalit Verma learned A.G.A. and perused the record.

The revisionist has challenged the order dated 4.10.2001 passed by the Additional Sessions Judge Roorkee whereby the contention of the revisionist that he being a juvenile his case be tried separately by the Juvenile Court was rejected in view of the fact that the revisionist-accused on the date of order had attained majority and was about 19 years of age. The learned Sessions Judge placed reliance on a decision of the Apex Court reported in 2000 Criminal Law Journal page 2971. With the petition copy of the High School certificate of the revisionist-accused has been furnished and as per the date of birth entered in it i.e. 7-6-1982 he was less than 16 years of age on the date of occurrence which took place on 30-10-1997. Under the Juvenile Justice (Care and Protection of Children), act 2000 a juvenile must be a person who has not completed 18 years of age and whereas earlier the age of the juvenile was upto 16 years. Considering the increase in the age in the definition of the juvenile as is given under section 2(K) of the said Act the learned Sessions Judge should have taken into consideration the age of the revisionist-accused as entered in the High School certificate. Since it has not been done the impugned order does not appear just and proper and in the totality of the circumstances of the case the revisionist-accused should have been held a juvenile and direction to put him to trial before the Juvenile Court should have been passed.

For the above reasons and discussion this revision petition is allowed and the order dated 4.10.2001 is set aside. The revisionist-accused is held juvenile and it is directed that his case shall be separated and he shall be tried before the Juvenile Court. The stay order dated 18-10-2001 is

vacated. Let the record of the case be sent back to the Court concerned at once.

(Irshad Hussain, J.)

Dated 2-9-2003

ISB